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COMCAST POST-HEARING OPENING BRIEF

APPENDIX 3

**Tariff of AT&T California, Rule 14 – Limitation of Liability (Schedule Cal. P.U.C. Sheet
No. 87-88)**

NETWORK AND EXCHANGE SERVICES

A2. GENERAL REGULATIONS

2.1 RULES (Cont'd)

2.1.14 RULE NO. 14 - LIMITATION OF LIABILITY

A. LIMITATIONS

1. The provisions of this rule do not apply to errors and omissions caused by willful misconduct, fraudulent conduct or violations of law.
2. In the event an error or omission is caused by the gross negligence of the Utility, the liability of the Utility shall be limited to and in no event exceed the sum of \$10,000.
3. The Utility will not provide a credit allowance for interruptions of service caused by the customer's facilities, equipment, or systems.
4. Except as provided in A3. of this rule, the liability of the Utility for damages arising out of mistakes, omissions, interruptions, delays, errors or defects in any of the services or facilities furnished by the Utility up to and including its local loop demarcation point, including exchange, toll, private line, supplemental equipment, alphabetical directory listings (excluding the use of bold face type) and all other services, shall in no event exceed an amount equal to the pro rata charges to the customer for the period during which the services or facilities are affected by the mistake, omission, interruption, delay, error or defect, provided, however, that where any mistake, omission, interruption, delay, error or defect in any one service or facility affects or diminishes the value of any other service said liability shall include such diminution, but in no event shall the liability exceed the total amount of the charges to the customer for all services or facilities for the period affected by the mistake, omission, interruption, delay, error or defect.
5. Whenever commercial power or its equivalent is required to operate services or facilities provided by the Utility at the customer's premises, the customer shall:
 - a. Furnish such power which shall be suitable for the purpose;
 - b. Provide and maintain all necessary power wiring and power outlets in a suitable location and in a safe fashion; and
 - c. Allow the Utility access to the power supply, if necessary.

In the event of a power failure, no allowance is made for interruption of service, and the Utility shall not be held liable for such an interruption of service. Nor shall the Utility be liable for any property damage or personal injury, or any other alleged damage or injury, caused by any customer-provided power supply, wiring, or power outlet.

(N)

(N)

Material omitted now located on Sheet 88.

Continued

NETWORK AND EXCHANGE SERVICES

A2. GENERAL REGULATIONS

2.1 RULES (Cont'd)

2.1.14 RULE NO. 14 - LIMITATION OF LIABILITY

A. LIMITATIONS

1. The provisions of this rule do not apply to errors and omissions caused by willful misconduct, fraudulent conduct or violations of law.
2. In the event an error or omission is caused by the gross negligence of the Company, the liability of the Company shall be limited to and in no event exceed the sum of \$10,000. (T)
3. The Company will not provide a credit allowance for interruptions of service caused by the customer's facilities, equipment, or systems. (T)
4. Except as provided in A3. of this rule, the liability of the Company for damages arising out of mistakes, omissions, interruptions, delays, errors or defects in any of the services or facilities furnished by the Company up to and including its local loop demarcation point, including tariffed exchange, private line, supplemental equipment, alphabetical directory listings (excluding the use of bold face type) and all other tariffed services, shall in no event exceed an amount equal to the pro rata charges to the customer for the period during which the services or facilities are affected by the mistake, omission, interruption, delay, error or defect, provided, however, that where any mistake, omission, interruption, delay, error or defect in any one service or facility affects or diminishes the value of any other service said liability shall include such diminution, but in no event shall the liability exceed the total amount of the charges to the customer for all tariffed services or facilities for the period affected by the mistake, omission, interruption, delay, error or defect. (N)
5. Whenever commercial power or its equivalent is required to operate services or facilities provided by the Company at the customer's premises, the customer shall: (T)
 - a. Furnish such power which shall be suitable for the purpose;
 - b. Provide and maintain all necessary power wiring and power outlets in a suitable location and in a safe fashion; and
 - c. Allow the Company access to the power supply, if necessary. (T)

In the event of a power failure, no allowance is made for interruption of service, and the Company shall not be held liable for such an interruption of service. Nor shall the Company be liable for any property damage or personal injury, or any other alleged damage or injury, caused by any customer-provided power supply, wiring, or power outlet. (T)

(D)

Continued

NETWORK AND EXCHANGE SERVICES
A2. GENERAL REGULATIONS

2.1 RULES (Cont'd)

2.1.14 RULE NO. 14 - LIMITATION OF LIABILITY (Cont'd)

A. LIMITATIONS (Cont'd)

6. Services Other Than Directory

The following allowances are provided for interruptions in service, as specified for particular services furnished solely by the Utility.

- a. The Utility shall allow, for interruptions in service of 24 hours or more not due to conduct of the customer, an amount equal to the pro rata charges for each 24-hour period, or major fraction thereof after the initial period or interruption in the following services:

(1) Mobile telephone service.

(2) Private line services and channels, as follows:

Private line telephone service.¹

Private line teletypewriter and Morse services.¹

Channels for data transmission.¹

Channels for remote metering, supervisory control and miscellaneous signaling purposes.¹

Channels for one-way speech networks in connection with loudspeakers.²

Channels for one-way program transmission networks in connection with loudspeakers.²

Channels for farmer lines and toll service station lines.

Bells and lights system attack warning service.

(3) Wide Area Telecommunications Service (Refer to Schedule Cal.P.U.C. No. A7.1, A.b.).

NOTE 1: The allowance applies only to service within the same exchange area.

NOTE 2: The allowance applies only to station equipment and/or channel facilities.

(D)

(D)

(D)

Continued

COMCAST POST-HEARING OPENING BRIEF

APPENDIX 4

**Tariff of Verizon California, Inc., Rule 26 – Limitation of Liability (Schedule Cal. P.U.C.
Sheet No. 57, 57.1-.57.4)**

LIMITATION OF LIABILITY

1. The provisions of this rule do not apply to errors and omissions caused by willful misconduct, fraudulent conduct or violations of laws.
2. In the event an error or omission is caused by the gross negligence of the Utility, the liability of the Utility shall be limited to and in no event exceed the sum of \$10,000.
3. Except as provided in Sections 1 and 2 of this rule, the liability of the Utility for damages arising out of mistakes, omissions, interruptions, delays, errors or defects in any of the services or facilities furnished by the Utility including exchange, toll, private line, alphabetical directory listings (excluding the use of bold-face type), and all other services shall in no event exceed an amount equal to the pro rata charges to the customer for the periods during which the services or facilities area affected by the mistake, omission, interruption, delay, error or defect, provided, however, that where any mistake, omission, interruption, delay, error or defect on any one service or facility affects or diminishes the value of any other service said liability shall include such diminution, but in no event shall exceed the total amount of the charges to the customer for all services or facilities for the period affected by the mistake, omission, interruption, delay, error or defect.

- In the event of a power failure, no allowance is made for interruption of service, and the Utility shall not be held liable for such an interruption of service. Nor shall the Utility be liable for any property damage or personal injury, or any other alleged damage or injury, caused by any customer-provided power supply, wiring, or power outlet.

Continued

RULE NO. 26

LIMITATION OF LIABILITY

B. Credit Allowance - Services other than Directory

(L)

The following allowances are provided for interruptions in service, as specified for particular services furnished by the Utility:

1. The Utility shall allow, for interruptions in service of 24 hours or more not due to conduct of the customer, an amount equal to the pro rata charges for each 24-hour period, or major fraction thereof after the initial period of interruption in the following services:

NOTE: The allowance on Items a. and b. applies to services within the same or different exchanges.

- a. Mobile Telephone Service
- b. Air Raid Warning Systems
- c. Special Access Services and Channels, as follows:

(L)

NOTE: The allowance on Items (1) through (13) applies only to service within the same exchange area.

- (1) Special Access Telephone Service.
- (2) Speaker-Microphone Service.
- (3) Special Access Teletypewriter Service.
- (4) Channels for Data Transmission.
- (5) Channels for Program Transmission in connection with Loudspeakers, Sound Reproduction or Sound Recording.
- (6) Channels for One-Way Speech Network in Connection with Loudspeakers.
- (7) Wideband Services.
- (8) Digital Data Service.
- (9) Channels for Remote Metering, Supervisory Control and Miscellaneous Signaling Purposes.
- (10) Alarm Transport Service.
- (11) Loudspeaker Paging System Service.
- (12) Optinet High Capacity Digital Service.
- (13) Optinet Switched Digital Service.
- (14) Channels for the Transmission of Closed Circuit Television Signals.
- (15) Channels for the Remote Operation of Private Mobile Radiotelephone Systems.

(T)

(L) Material moved from 11th Revised Sheet 57.

Continued

Advice Letter No. 10,845

Issued By

Date Filed APR 26, 2004
Effective JUL 19, 2004

Decision No.

Executive Director
Regulatory Affairs

Resolution No. T-16854

RULE NO. 26

LIMITATION OF LIABILITY - Continued

B. 1. - Continued

d. Wide Area Telephone Service

Where credit is allowed against initial charges, the initial period shall be reduced in the same proportion, and additional hourly rates shall apply to each hour or major fraction thereof for Wide Area Telephone Service furnished in excess of the initial period as so reduced.

e. Special Service Arrangements.

2. The Utility shall allow, for interruptions in exchange telephone service of 24 hours or more not due to conduct of the customer, an amount equal to the fixed monthly charges for exchange service multiplied by the ratio of the days of interruption to thirty days. When interruptions continued beyond 24 hours, credit allowance will be given in successive 24-hour multiples.

3. The Utility shall allow, for interruptions of 30 minutes or more not due to conduct of the customer (including authorized users), an amount equal to the pro rata charges in half-hour multiples for each 30-minute period, or major fraction thereof after the initial period, of interruption in the following private line services and channels:

NOTE: The allowance on Items a. through h. below applies only to services between separate exchanges areas.

a. Special Access Line Telephone Service.

(T)

b. Special Access Line Teletypewriter Service.

(T)

c. Channels for Data Transmission.

d. Channels for Remote Metering, Supervisory Control and Miscellaneous Signaling Purposes.

e. Speaker-Microphone Service.

f. Wideband Services.

Continued

Advice Letter No. 5689

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Regional Director
Regulatory & Industry Affairs

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Resolution No.

RULE NO. 26

LIMITATION OF LIABILITY - Continued

B. 3. - Continued

- g. Channels for One-Way Speech Network in Connection with Loudspeakers.
- h. Channels for the remote operation of private mobile radiotelephone systems.
- 4. The Utility shall allow, for interruptions of 30 seconds or more not due to conduct of the customer (including failure of facilities provided by the customer), an amount equal to the pro rata charges in five-minute multiples for each five minute period or major fraction thereof of interruption in private line channels for program transmission in connection with loudspeakers, sound reproduction or sound recording.
- 5. The Utility shall allow, for interruptions of two consecutive hours or more not due to conduct of the customer (including failure of facilities provided by the customer), an amount equal to 1/720 of the fixed monthly charge for each hour or major fraction thereof of interruption in private line channels for television transmission for use in closed circuit educational television service.

For the purposes of these regulations, an interruption is deemed to exist from the time it is reported to or detected by the Utility.

C. Credit Allowances - Directory

Subject to the provisions of Section A.3 of this rule the Utility shall allow, for errors or omissions in alphabetical telephone directories (excluding the use of bold face type), an amount within the following limits: x

- 1. For listings in alphabetical telephone directories furnished without additional charge, an amount not in excess of the minimum monthly charge to the customer for exchange service during the effective life of the directory in which the error or omission occurred. x

x Correction

Continued

Advice Letter No. 4612

Issued By
Richard L. Ohlson
Vice President

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Effective

Decision No.

Revenue Requirements

Resolution No.

RULE NO. 26

LIMITATION OF LIABILITY - Continued

C. - Continued

2. For listings and lines of information in alphabetical telephone directories furnished at additional charge, as set forth in Product Guide Section 16 an amount not in excess of the charge for that listing during the effective life of the directory in which the error or omission occurred. (C)
3. For listings in information records furnished without additional charge, an amount not in excess of the minimum monthly charge to the customer for exchange service during the period the error or omission continued.
4. For listings in information records furnished at additional charge, an amount not in excess of the charge for the listing during the period the error or omission continued.
5. For listings in telephone directories furnished in connection with mobile telephone service, an amount not in excess of the guarantee and fixed charges for the service during the effective life of the directory in which the error or omission occurred.

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Advice Letter No. 12598

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